

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-8, drawn to an aggregated crystalline silicon powder;

Group II: Claims 9-22, drawn to a method for producing an aggregated crystalline silicon powder; and

Group III: Claim 23, drawn to a method of using an aggregated silicon powder.

Applicants provisionally elect Group II, Claims 9-22, drawn to a method for producing an aggregated crystalline silicon powder, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants elect as species (a) a process using a silane from the group of monosilane, disilane, and chlorine substituted silanes derived therefrom. The claims encompassing this election are: 9-11 and 13-22.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits, and early notice of such action is earnestly solicited.

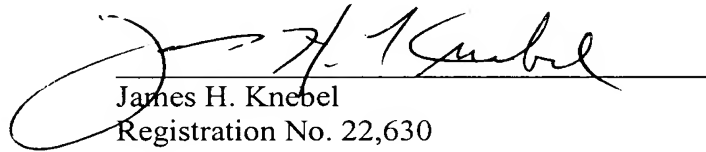
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



James H. Knebel
Registration No. 22,630